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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,254	04/01/2004	Takumi Yoshida	58604-035	6949
20277	7590	12/02/2005	EXAMINER	
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			CULLER, JILL E	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/814,254	<b>Applicant(s)</b> YOSHIDA, TAKUMI	
	<b>Examiner</b> Jill E. Culler	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-7 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7 and 9-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-2, 5-7 and 9 are objected to because of the following informalities:

In claim 1, on line 8, the word "of" appears to be missing from between "plurality" and "droplet".

In claim 6, on line 1, there is no antecedent basis for "The coating material applying apparatus". It appears that applicant may have inadvertently changed the first word while amending other claims.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5-7, 9-10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,511,477 to Adler et al. in view of EP0782106 to Brand et al.

With respect to claim 1, Adler et al. teaches a coating material applying method for applying a coating material to a surface of a print, including the steps of applying said coating material to said surface of said print by spraying said coating material thereto from a plurality of droplet spray nozzles, 6, see column 3, lines 28-38, wherein

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an area for coating material application is determined as a particular area on said print, said coating material being applied to said particular area by spraying said coating material selectively onto said particular area, see column 3, lines 36-41, and said plurality of droplet spray nozzles are arranged transversely of said print, said coating material being applied selectively to said particular area by spraying said coating material from droplet spray nozzles

Adler et al. does not teach that the coating material is sprayed selectively from droplet spray nozzles corresponding to said particular area among said plurality of droplet spray nozzles.

Brand et al. teaches a coating material applying method wherein the coating material is applied using plurality of droplet spray nozzles, 10, wherein the coating material is sprayed selectively from droplet spray nozzles corresponding to said particular area among said plurality of droplet spray nozzles. See column 4, lines 22-41.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the method of Adler et al. to spray from selected nozzles corresponding to a particular area, as taught by Brand et al., in order to more efficiently apply the coating material to the print.

With respect to claim 2, Adler et al. teaches the coating material is an ultraviolet-curable coating material, said coating material being cured by emitting ultraviolet light to said print after applying said coating material to said print. See column 3, lines 45-46.

With respect to claim 6, Adler et al. teaches a coating material applying apparatus, 1, for applying a coating material to a surface of a print, comprising: a

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plurality of droplet spray nozzles, 6, for spraying said coating material on said surface of said print to apply said coating material thereto; moving means, 2, for moving said print relative to said droplet spray nozzles, see column 3, lines 24-38, and area determining means for determining an area for coating material application as a particular area on said print.

Adler et al. does not teach control means for selecting droplet spray nozzles corresponding to said particular area from among said plurality of droplet spray nozzles, and causing said coating material to be sprayed from said droplet spray nozzles selected.

Brand et al. teaches control means for selecting droplet spray nozzles corresponding to said particular area from among said plurality of droplet spray nozzles, and causing said coating material to be sprayed from said droplet spray nozzles selected. See column 4, lines 22-41.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the method of Adler et al. to provide control means as taught by Brand et al., in order to more efficiently apply the coating material to the print.

With respect to claim 7, Adler et al. teaches that the coating material is an ultraviolet-curable coating material, said apparatus further comprising ultraviolet light emitting means for emitting ultraviolet light to said print after said droplet spray nozzles apply said coating material to said print. See column 3, lines 45-46.

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With respect to claim 9, Adler et al. teaches said area determining means is arranged to determine said particular area based on image data forming an image on said print. See column 3, lines 36-41.

With respect to claim 10, Adler et al. teaches a printing machine for performing printing based on image data, comprising: a transport mechanism, 2, for transporting a print; coating applying means including a plurality of droplet spray nozzles, 6, arranged perpendicular to a direction in which said print is transported by said transport mechanism, for spraying a coating material on said print transported; area determining means for determining, based on said image data, an area for coating material application as a particular area on said print. See column 3, lines 24-41

Adler et al. does not teach control means for selecting droplet spray nozzles corresponding to said particular area from among said plurality of droplet spray nozzles, and causing said coating material to be sprayed from said droplet spray nozzles selected.

Brand et al. teaches control means for selecting droplet spray nozzles corresponding to said particular area from among said plurality of droplet spray nozzles, and causing said coating material to be sprayed from said droplet spray nozzles selected. See column 4, lines 22-41.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the method of Adler et al. to provide control means as taught by Brand et al., in order to more efficiently apply the coating material to the print.

With respect to claim 12, Adler et al. teaches said area determining means is arranged to recognize an image area on said print from said image data, and determine said particular area to coincide with said image area. See column 3, lines 36-41.

With respect to claim 13, Adler et al. teaches said area determining means is arranged to determine said particular area as an area for coating material application on said print based on data inputted by an operator. See column 3, lines 36-41.

With respect to claim 14, Adler et al. teaches said coating material is an ultraviolet-curable coating material, said printing machine further comprising ultraviolet light emitting means disposed downstream of said coating applying means with respect to said direction in which said print is transported, for emitting ultraviolet light to said print. See column 3, lines 45-46.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adler et al. in view of Brand et al. as applied to claims 1-2, 5-7, 9-10 and 12-14 above, and further in view of U.S. Patent No. 6,138,566 to Sakamoto.

With respect to claim 11, Adler et al. and Brand et al. teach all that is claimed, as in the above rejection of claims 4, 8-10, 12-15 and 17-19. Adler et al. also teaches platemaking means for making printing plates based on said image data. See column 3, lines 22-24.

Adler et al. and Brand et al. do not teach printing means for performing printing by using said printing plates.

Sakamoto teaches a printing press having platemaking means for making printing plates based on said image data and printing means for performing printing by using said printing plates. See column 1, lines 53-57.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the invention of Adler et al. as modified by Brand et al. with the invention of Sakamoto in order to be able to make and use printing plates in the same apparatus.

### ***Response to Arguments***

5. Applicant's arguments filed September 12, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that Adler et al. and Brand et al. teach coating material sprayed to a blank printing plate substrate instead of a printed sheet, to be used in making the image itself, rather than in protecting the image, there is no limitation in the claim language to apply only coating materials used for protection rather than imaging. Therefore, as Adler et al. and Brand et al. teach spraying a material which coats a substrate, it is considered to meet the language of the claims.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-Th 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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